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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

9 MARION C. STARKS,) No. C 10-0820 MMC (PR)
10 Petitioner,)
11 v.) **ORDER OF DISMISSAL;**
12 SF SUPERIOR COURT, et al.,) **DENYING LEAVE TO**
13 Respondents.) **PROCEED IN FORMA**
) **PAUPERIS**
) **(Docket No. 2)**

15 On February 26, 2010, petitioner, a California prisoner incarcerated at the San
16 Francisco County Jail and proceeding pro se, filed the above-titled petition for a writ of
17 habeas corpus pursuant to 28 U.S.C. § 2254. Together with his petition, petitioner filed an
18 incomplete application to proceed in forma pauperis (“IFP”). That same date, the Court
19 notified petitioner in writing that the action was deficient due to petitioner’s failure to pay the
20 requisite filing fee or, instead, to submit a completed court-approved IFP application.
21 Specifically, in said notice, petitioner was advised that he must submit a Certificate of Funds
22 in Prisoner’s Account completed and signed by an authorized officer at the prison, and must
23 attach a copy of his prisoner trust account statement showing transactions for the last six
24 months. Petitioner was further advised that his failure to pay the filing fee or, alternatively,
25 to file a completed IFP application, within thirty days, would result in dismissal of the action.
26 Along with said notice, petitioner was sent a copy of the court-approved prisoner’s IFP
27 application, instructions for completing it, and a return envelope.

28 More than thirty days have passed since the deficiency notice was sent to petitioner


1 and he has not filed a completed IFP application or paid the filing fee. Accordingly, the
2 above-titled action is hereby DISMISSED without prejudice. Additionally, the incomplete
3 application to proceed in forma pauperis is hereby DENIED and no fee is due.

4 This order terminates Docket No. 2.

5 The Clerk shall close the file.

6 IT IS SO ORDERED.

7 DATED: April 23, 2010

8 
MAXINE M. CHESNEY
9 United States District Judge